

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF :

Barbara Delva, C.H.H.A. :  
Certificate No. 26NH15085900 :

HOMEMAKER HOME HEALTH AIDE :  
IN THE STATE OF NEW JERSEY :

ADMINISTRATIVE ACTION

✓ FINAL ORDER OF  
DISCIPLINE

2016  
N.J. BOARD OF NURSING

May 2, 2016 5/2/16  
**FINAL**

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Barbara Delva ("Respondent") is a certified homemaker-home health aide in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on September 3, 2014 by the East Orange Police for violation of N.J.S.A. 2C:12-3, Terroristic Threats, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in East Orange, New Jersey, via regular and certified

mail on or about September 6, 2014. A response was due within twenty (20) days. The certified mailing was returned as "unclaimed". The regular mailing was not returned.

3. Respondent did not reply to the Board's letter of inquiry.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension and two hundred dollar (\$200) civil penalty was entered on April 6, 2015. Copies were forwarded to Respondent's last known address by both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all

reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order by providing a copy of the disposition indicating that the criminal charge was dismissed. Respondent failed to provide any of the other information or documentation that the Board requested as part of its investigation: police report with all supporting statements, municipal court complaint, plea agreement, proof of payment of fines or completion of probation, narrative statement of the conduct which led to her arrest, name of employer, address of employer, job title, dates of employment, shift, type of unit worked, and a copy of most recent performance evaluation. .

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Moreover, Respondent has still failed to provide all the information requested and the Board determined that her certificate should be suspended until she fully cooperates with the Board's investigation. Additionally, the Board determined

that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a two hundred dollar (\$200) civil penalty.

ACCORDINGLY, IT IS on this 2nd day of May, 2016,  
ORDERED that:

1. Respondent's certificate to practice as a homemaker-home health aide is hereby suspended until such time as Respondent cooperates fully with the Board's investigation by providing the Board with the information requested in the Board's letter of inquiry. Respondent shall refrain from engaging in practice as a homemaker-home health aide and shall not represent herself as a homemaker-home health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

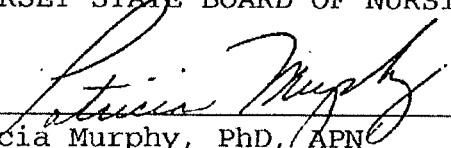
2. Respondent is assessed a civil penalty in the amount of two hundred dollars (\$200). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Twalema Khonje, P.O. Box 45010, Newark, New

Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent ultimately provides in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Murphy, PhD, APN  
President